



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Shelly E. Sakiyama-Elbert and Jeffrey A. Hubbell

Serial No.: CON of 09/298,084

Express Mail Label
No.: EL 717 750 047 US

Filed: May 3, 2001

Date of Deposit: May 3, 2001

For: CONTROLLED RELEASE OF NON-HEPARIN BINDING GROWTH
FACTORS FROM HEPARIN CONTAINING MATRICES

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

**REQUEST FOR FILING A
CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a Request for Filing a Continuation Application Under 37 C.F.R.
§ 1.53(b), of pending prior application Serial No. 09/298,084, filed April 22, 1999, by
Shelly E. Sakiyama-Elbert and Jeffrey A. Hubbell, for "Controlled Release Of Non-
Heparin Binding Growth Factors From Heparin Containing Matrices".

The application includes 1 page of abstract, 28 pages of specification, 8 pages of
claims, 3 pages of informal drawings, and a copy of the executed Declaration for Patent
Application from prior application U.S. Serial Number 09/298,084.

The attorney of record in the prior application was changed to Patrea L. Pabst,
Registration No. 31,284. Please address all future correspondence to:

Patrea L. Pabst
Holland and Knight LLP
One Atlantic Center, Suite 2000
Atlanta, GA 30309-3400

(404) 881-0471
(404) 817-8473 (fax)
email: ppabst@hklaw.com

A Preliminary Amendment is enclosed. Please amend the application in
accordance with the Preliminary Amendment.

Applicant hereby requests that the computer readable form of the Sequence
Listing submitted in U.S. Serial No. 09/298,084, filed April 22, 1999 be used in the
above-identified application. The computer readable form to be used was mailed in U.S.
Serial No. 09/298,084 on September 29, 2000. The material on the diskette submitted in
U.S. Serial No. 09/298,084 is identical to the paper copy of the Sequence Listing
submitted in the above-identified application, and the Sequence Listing does not add new
matter to the application.

This application is entitled to claim small entity status pursuant to 37 C.F.R.
§ 1.27.

A check in the amount of \$355.00 is enclosed to cover the filing fee for a small
entity. It is believed that \$355.00 is the proper filing fee, as the application contains
3 independent claims and a total of 20 claims upon entry of the enclosed Preliminary

Amendment. A check in the amount of \$55.00 is also enclosed to cover the fee for a one month extension of time in the parent application, U.S. Serial No. 09/298,084. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-1667. A duplicate of this request is enclosed to facilitate this purpose.


This application is being filed on May 3, 2001, by mailing the application to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231, via the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10. The Express Mail label number appears in the heading of this paper, which is attached to the application, pursuant to 37 C.F.R. § 1.10(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of

Continuation of U.S.S.N. 09/298,084
Filed: May 3, 2001
Express Mail Label No.: EL 717 750 047 US
Date of Deposit: May 3, 2001

Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: May 3, 2001
HOLLAND & KNIGHT LLP
One Atlantic Center, Suite 2000
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3400
(404) 817-8473
(404) 881-0470 (fax)

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 1.10

I hereby certify that this Request for Filing a Continuation Application Under 37 C.F.R. § 1.53(b), and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, May 3, 2001, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label No. EL 717 750 047 US addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.



Patrea L. Pabst

Date: May 3, 2001

05/03/01



PTO/SB/17 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$410.00)

Complete if Known

Application Number	Continuation of 09/298,087
Filing Date	May 3, 2001
First Named Inventor	Shelly E. Sakiyama-Elbert
Examiner Name	M. Brannock
Group Art Unit	1646
Attorney Docket No.	ETH 108 CON

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1667
Deposit Account Name: Holland & Knight LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 355.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20 -20	= 0	X 0	= 0
Independent Claims 2 -3	= 0	X 0	= 0
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ -0-

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Patrea L. Rabst	Registration No. (Attorney/Agent)	31,284	Telephone	404-817-8473
Signature		Date	May 3, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Washington, DC 20231.